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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY, DOCKET NO.
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08/947,435	10/08/97	FERGUSON	D 004968-005
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EXAMINER

COLBERT, E

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/11/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

6

Art Unit: 2722

RESPONSE TO REPLY BRIEF

1. This office action is responded to the reply brief filed July 09, 2001.
2. The appellant stated that the examiner elaborated slightly on the previous rejection of claims 1 and 2 by asserting that the step of automatically extracting attribute data from an imported document is disclosed in Zarmer in as much as Zarmer discloses a document management system, which utilizes an object managing utility referred to as "ObjectMan," and that persistence storage of the document attributes is taught in col. 11. Examiner did not elaborate more than what Zarmer teaches. Zarmer is used as a whole reference to against the appellant's claimed limitation, therefore, any portion in Zarmer is available to the appellant for reviewing. Whether the examiner cites the same citation or expands the citation in Zarmer to show the relevancy in according to appellant's arguments, it does not constitute any change in the rejection because examiner relies on the same reference, Zarmer as a whole to reject the appellant's claimed limitation.

Appellant argued that nowhere in the cited passage, or elsewhere in Zarmer, is there any disclosure or suggestion of the steps of automatically extracting attribute data from an imported electronic document, generating a separate data structure, in which said extracted data is stored and maintained in memory separate from the imported document, and linking the imported document to an electronic folder if the attribute data contained in said data structure matches a set of predefined criteria associated with the electronic folder. Appellant's admitted on page 2

Art Unit: 2722

of the appellant's reply brief, that ObjectMan in Zarmer provided various services for persistent objects (i.e., which are saved in a database); including automatic retrieval of an object, automatic deletion of an object from memory when other objects are done with it, automatic deletion of an object from the database when no other objects are interested in it, and delivery and synchronization of changes at a remote site. Besides the appellant's agreement, Zarmer in column 18, specifically lines 25-34, teaches the claimed automatically extracting attribute data from an imported electronic document. In column 23, lines 40-49, Zarmer teaches the claimed generating a separated data structure by stating that "Folders can be used for a variety of purposes and in a variety of situations in which a set of objects needs to be managed. A number of Folders can be used to represent a hierarchy or directory structure. Folders can be used for a variety of purposes, and can have various manifestations when published on an online service, Folders may generally be thought of its representing a directory structure (i.e., as in an operating system)." Thus, it clearly anticipates the claimed importing, storing, automatically extracting, and generating steps as cited in claim 1.

The appellant discussed that there is no suggestion to combine the references, and the "motivation" provided in the Examiner's answer is newly presented and the Appellant has not had an opportunity to respond. Examiner did not change the rejection. The combined references of Zarmer, Fujisawa, and Malone have been applied to the appellant's claims along with the motivation, which is based on some extent on the knowledge of persons skilled in the art to complement that which is disclosed therein. In other words, the person having skilled artisan is

Art Unit: 2722

presumed to know something more about the art than that only what is disclosed in the applied references. In re Bode, 550 F 2d 656, 660, 193 USPQ 12, CCPA 1977; In re Jacoby, 309 F 2d 513, 516, 135 USPQ 317, 319 CCPA 1962. The combined references have been presented and available to the appellant along with the motivation before the Final Office action mailed on November 21, 2000. Therefore, it cannot be judged as newly presented to the appellant.

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F 2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Zarmer and Fujisawa focus on document processing and retrieval system. Malone creates fields representing different data in an electronic document. Together Zarmer, Fujisawa, and Malone teach the appellant's claimed limitations.

For the above reasons, it is respectfully requested that the rejection of claims 1-28, 30-46, and 51 under 35 U.S.C. 103(a) should be sustained.

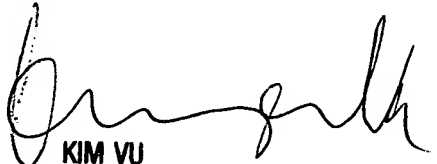
3. The application will be forwarded to the Board of Patent Appeals and Interferences for decision on the appeal after the mailing of this response to appellant's reply brief.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is (703) 308-7064. The examiner can normally be reached on Monday-Thursday from 6:30AM to 5:00PM.

Art Unit: 2722

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu, can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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